

REMARKS

The present amendment is being filed with a Request for Continued Examination (RCE), wherein a request for entry of an amendment and 37 CFR § 1.132 Declaration of Mr. Satoshi Yoshida, each filed on June 23, 2005 is also being requested.

Claims 1-6 remain pending in the application, with claims 1 and 5 being instantly amended.

Claim 1 is amended herein to clarify that in the inventive diaper “a tape tab comprising polypropylene is provided on each side flap for fastening the diaper.” Support for this amendment is found at page 9, lines 17-18 of the specification.

Claim 4 is amended herein to clarify that “the temperature of said hot-melt adhesive contained in said tank and present in said application head is from 160 to 180°C and from 130 to 140°C, respectively”, which finds support at page 7, line 31 and page 9, lines 21-22 of the originally filed specification.

No new matter is introduced by this Amendment and proper consideration of the same at present is required.

Claim Rejection 35 USC § 103(a)

In the prior office action of March 10, 2005, Claims 1-5 were rejected under 35 USC § 103(a) as being unpatentable over Alper et al. US ‘741 (US 5,149,741) in view of Fries, et al. US ‘592 (US 5,549,592). Applicants respectfully traverse the rejection and ask for reconsideration and withdraw of the same based on the following considerations.

Incorporation of Earlier Remarks

Applicants hereby incorporate remarks set forth at page 6, line 6 to page 9, line 10 of the prior reply dated and filed in the USPTO on June 23, 2005. Such remarks are incorporated herein by reference in their entirety, as they remain pertinent to the instant maintained rejection of the Examiner.

The Present Invention Being Claimed

The invention defined by pending claims 1-6 in the application requires that the materials of the tape tab comprising polypropylene, side flap and hot-melt adhesive be chosen such that the side flap is torn near a joint when pulled at a peel angle of 180° at a speed of 100 m/min. Thus, the tape tab must be made of a material that is more resistant to tearing than the side flap, while the adhesive must provide a strong enough bond so that the side flap tears before the entire adhesive seal is broken, with the adhesive being a hot-melt adhesive having a melt viscosity of 30 to 100 Pa·s at 140°C .

Distinctions Over the Cited Art of Record

The melt viscosities of the hot melt adhesives used in present invention do not overlap with the melt viscosities of the hot melt adhesives taught in the Alper et al. US '741 reference. This assertion is based on the fact that instantly pending claim 1 now recites the presence of a tape tab comprising polypropylene.

More particularly, it is submitted that a tape tab comprising polypropylene as recited in instant claim 1 would either (i) be easily melted (due to polypropylene's low melting point of around 160° C) and/or (ii) would not be able to function properly if used in combination with an adhesive

like that taught in Example 12 of Alper et al. US '741, which would need to be heated to a temperature of up to about 163° C (325° F) in order to obtain a viscosity value falling within the instantly claimed range of 30 to 100 Pa·s that is recited in claim 1.

The above contention is based on data provided in Table II of Alper et al. US '741 (*see* Column 15), which clearly shows that the adhesive formulation of its Example 12, had a viscosity of only 40,900 cP (or 40.9 Pa·s) when tested at 325° F (163° C), which is at the lower end of the instantly claimed range of 30 to 100 Pa·s in instant claim 1.

Conclusion

In view of the above amendments and comments, as well as those set forth in the prior reply of June 23, 2005 (and the 37 CFR § 1.132 declaration of Mr. Yoshida filed on June 23, 2005), Applicants respectfully submit that pending claims 1-6 are now in condition for allowance. A Notice to such effect is earnestly solicited.

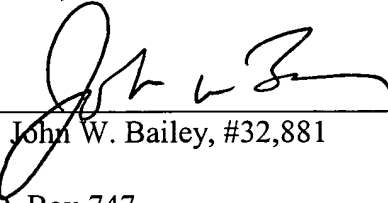
Should there be any outstanding issues to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number of the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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